

## **REMARKS**

Claims 33-76 are pending in the application. Claims 33-76 are rejected.

Applicant has amended to claims to clarify the present invention. The amendments are supported by the specification. No new matter is entered.

For example claims 41 includes a plurality of base stations in the mobile communication system, said base stations in a soft handoff mode with said mobile station.

Claim 71 includes the features of the terminal capable of simultaneously receiving a plurality of frames in respective downlink signals from a plurality of bases stations in a soft handoff mode with said terminal and “even if at least one useful period of one of the plurality of downlink signals from a base station in said soft handoff mode has not been received prior to the start of the generating step.

Claims 72 and 76 also include features of the soft handoff mode.

Claim 75 is objected to because of the following informalities: duplicated limitations.

Claim 75 has been amended to clarify the limitations. It is respectfully requested the claim objection be withdrawn.

Claims 33-36,39,44,47,49,61-76 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakano et al. (Nakano).

### **Claims 33 and 34**

The Office Action asserts Nakano discloses a timing unit for timing a sending of a transmit power control data to be included in an uplink signal at figure 7, item 61, column 7, lines 34-36, column 10, lines 17-23 of Nakano.

However nowhere does Nakano teach determining the timing based upon a received downlink signal timing for sending of a transmit power control data to be included in an uplink signal.

Nakano only describes “sends a base station transmission power control data... such that this base station transmission power control data is attached to the transmission data signals there.” There is no description of determining the timing based upon a received downlink signal timing for sending of a transmit power control data.

Further with regard to claim 33 the Office Action asserts Nakano discloses at column 8 and lines 1-24 the quality of the plurality of downlink signal is determined from only those signals received prior to a point in time preceding the timing of sending the transmit power control data in a next uplink signal.

However nowhere does Nakano teach only those signals received a predetermined time period prior to the timing of sending the transmit power control (TPC) data in a next uplink signal even if the receiving unit does not receive at least one of the plurality of downlink signals prior to the predetermined time.

Nakano only describes “the reception CIR which is periodically measured.” There is no description of the features recited in claim 33. Nakano teaches in col. 8 lines 34-38 “a distribution of the reception CIR is measured periodically for each radio channel...” but makes not indication that only those signals received prior a predetermined time are included in determining the transmit power control data in a next uplink signal.

A pointed out in applicant’s specification page 16, in the prior art “such a radio wave is not limited in the least.”

#### Claim 34

Further with regard to claim 34, the Office Action asserts Nakano discloses at col. 7 lines 44-50 a measuring unit (BER measuring unit) for measuring a quality of the received downlink signals which reach the measuring unit until a point in time which is a predetermined period earlier than the timing of sending the transmit power control data.

However it is respectfully submitted that Nakano fails to describe measuring a quality of only the received downlink signals which reach the measuring unit until a predetermined period earlier than the timing of sending the transmit power control data even if the receiving unit does not receive at least one of the plurality of downlink signals prior to the predetermined period.

Nakano only describes “the reception CIR which is periodically measured.” There is no description of the features recited in claim 34. Nakano teaches in col. 8 lines 34-38 “a distribution of the reception CIR is measured periodically for each radio channel...” but makes no indication that only those signals received prior a predetermined time are measured.

#### Claims 35 and 37

The Office Action asserts Nakano further discloses at col. 7, lines 43-54 predetermined period is for a processing time required to generate the transmit power control data.

However in reviewing Nakano col. 7 there is only a disclosure of measuring an average value BER or measuring a BSCIR over a prescribed period of time and according to these measurements the target CIR is stored in the mobile memory.

There is no description concerning predetermined period is for a processing time required to generate the transmit power control data. Nakano describes measuring over a prescribed time and storing in a memory. There is no description of a processing time for the TPC.

#### Claim 36

The Office Action asserts Nakano discloses at fig. 7, items 57, 59, 61, col. 7, lines 44-50, col. 10 lines 37-41 the claimed generating unit.

However it is respectfully submitted that Nakano fails to describe:

generating said transmit power control data according to only the quality of received signals ... a predetermined period earlier, thereby limiting the generation of transmit power control data for a next uplink signal to downlink signals received prior to the predetermined period.

Nakano only describes “the reception CIR which is periodically measured.” Nakano fails to describe any predetermined period and limiting the generation of TPC for a next uplink signal. Nakano teaches in col. 8 lines 34-38 “a distribution of the reception CIR is measured periodically for each radio channel...” but makes not indication that only those signals received prior a predetermined time and thereby limiting the TPC.

As mentioned above in the prior art there is no limitation placed on the predetermined period. Nakano states the reception CIR is periodically measured with no description of a limitation of on the generation of TPC according to a predetermined period.

#### Claim 39

The Office Action asserts Nakano discloses at col. 7, lines 35-36, col. 8, lines 19-23 the determining unit for determining a minimum processing time required to generate transmit power control data such that the transmit power control data can be included in an uplink signal.

In contrast to applicant’s determining a minimum processing time Nakano discloses attaching the TPC to the transmission data signals.

Nowhere does Nakano suggest determining a minimum processing time required to generate transmit power control data. Nakano is only describing attaching the TPC to data signals. Nakano does not even suggest the need for determining a minimum processing time.

Also with regard to applicant's claimed generating unit it is respectfully submitted that Nakano does not disclose this claimed feature at fig. 7, items 57, 59, 61, col. 7, lines 44-50, col. 10 lines 37-41. Nakano only describes "the reception CIR which is periodically measured." and in col. 8 lines 34-38 "a distribution of the reception CIR is measured periodically for each radio channel..." but makes not indication of limiting the generation of transmit power control data for a next uplink signal to downlink signals received prior to the predetermined period of the minimum processing time.

#### Claim 44

The Office Action asserts Nakano discloses at col. 7, lines 2-50 said channel controlling unit determines a point in time at which said transmission wave is to be transmitted, which is relative to a result of averaging the sum of products of said individual points in time and said transmission quality measured by said receiving unit from said any radio wave received during said period of time.

However in reviewing col. 7 it is submitted there is no description of averaging the sum of products of individual times to determine when the transmission wave is to be transmitted.

Nakano only describes attaching the TPC to the data transmission signal and sending the TPC to a base station. It is respectfully submitted that Nakano does not describe applicant's claimed invention.

#### Claim 47

The Office Action asserts Nakano discloses at col. 7, line 44-50, column 8, line 1-25 the features described in applicant's recited claim. However in reviewing Nakano, no description could be found of:

radio waves reach said radio terminal equipment individually and sequentially in a cycle having a nearly equal nominal value, and said period given in advance is given as a subset of each period in which said radio waves can be received by said receiving unit.

In fact contrary to applicant's claimed invention, in column 9, lines 21-24, Nakano describes that the BER is measured for a period of time longer than a transmission power control interval. In column 10, lines 20-23, Nakano only describes the periodical measurement results of a number of reception paths and fading pitch for each radio channel with regard to the reception CIR for each radio channel but fails to describe said period given in advance is given as a subset of each period in which said radio waves can be received by said receiving unit.

#### Claim 49

The Office Action asserts Nakano discloses at col. 7, line 44-50, column 8, line 1-25 the features described in applicant's recited claim 49. However in reviewing the reference Nakano, no description could be found of the recited features.

For example applicant claims said period given in advance is a subset of each period ....

Contrary to applicant's claimed invention, Nakano, col. 9, lines 21-24 describes the BER is measured for a period of time longer than a transmission power control interval. Col.10: 20-23, Nakano only describes the periodical measurement results of a number of reception paths and fading pitch for each radio channel with regard to the reception CIR for each radio channel but fails to describe said period given in advance is given as a subset of each period.

### Claim 61

Applicant's claim 61 discloses a base station receiving TPC from a mobile station. The TPC generated according to quality of a plurality of downlink signals reaching the mobile station until a time which is a predetermined period earlier than timing for sending transmit the TPC even if the mobile station does not receive at least one of the plurality of downlink signals, thereby limiting the generation of the transmit power control data for a next uplink signal to downlink signals received prior to the predetermined period.

In col. 5, lines 44-65 Nakano only describes receiving the TPC from the mobile attached to data signals or on a separate channel. As previously pointed out above Nakano does not describe the mobile station generating the TPC according to the claimed invention of claim 61.

### Claim 62

Applicant's method claim recites: processing only radio waves of said plurality of radio waves having a deviation less than an instant where processing could not be completed ....

transmitting to said radio transmission path a transmission wave signifying a response to only the radio waves which are an object of said processing, thereby limiting the a response to include only information processed from radio waves received prior to said instant.

The Office Action points to col. 8, line 15-23 and col. 7, lines 1-7. However col. 8 only states that the period for obtaining these distributions is set to be longer than TPC interval. Col. 8 lines 34-38 "a distribution of the reception CIR is measured periodically for each radio channel..." but makes not indication of limiting the generation of transmit power control data for a next uplink signal to downlink signals received prior to the predetermined period of the minimum processing time.

Col. 7, lines 1-7 only states that the TPC is assumed to be transmitted along with the data signals but could be sent on a separate channel. There is no description of a response to only the radio waves which are an object of said processing, thereby limiting the a response to include only information processed from radio waves received prior to said instant.

#### Claims 63-76

Although these claims contain varying limitations compared to the above argued claims, they contain at least the distinguishing features from the Nakano reference. These claims should likewise be allowed for at least the above reasons.

For example claim 71 includes the features of the terminal capable of simultaneously receiving a plurality of frames in respective downlink signals from a plurality of bases stations in a soft handoff mode with said terminal and “even if at least one useful period of one of the plurality of downlink signals from a base station in said soft handoff mode has not been received prior to the start of the generating step.”

#### 35 U.S.C. 103(a)

Claims 38,40-43,45,46,48,50-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakano in view of Blakeney, II et al (5267261) (Blakeney).

The Office Action states Nakano doesn't explicitly teach that received signals are from a plurality of base stations in the mobile station system. Blakeney teaches that a mobile station receives signals that are from a plurality of base stations in the mobile station system (figure 1).

Although these claims contain varying limitations compared to the above argued claims, they contain at least the distinguishing features from the Nakano reference. The reference

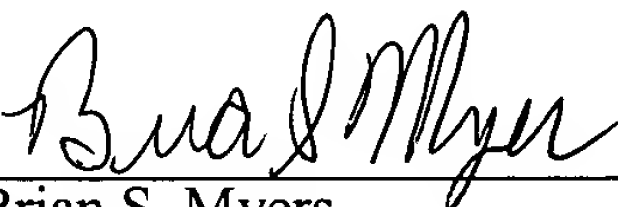


Blakeney describes a plurality of base stations in a mobile system but likewise fails to teach the above distinguishing features. Therefore neither reference and in combination teach or suggest at least the above distinguishing features and these claims should likewise be allowed for at least the above reasons.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

  
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